



Sovereignty and the Stateless Nation: Gibraltar in the Modern Legal Context (Studies in International Law)

Keith Azopardi

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Gibraltar, an overseas territory of the UK within the EU, has for three centuries been at the center of a dispute between Britain and Spain, a dispute based on traditional perceptions of sovereignty. Hitherto, the dispute has been managed in a predominantly bilateral way, but this has prevented the people of Gibraltar from having an equal say on the issue of Gibraltar's sovereignty and decolonization. It has produced a paradox of governance and constitutionalism that encases Gibraltar's people. This book considers the effects of sovereignty and the culture of bilateralism on the dispute, and examines the resulting deficits of governance and democracy. In assessing the evolution of the themes underlying the dispute, it asks how the resolution might be facilitated by the application of ideas drawn from the modern legal context of late sovereignty, pluralism, and stateless nationalism, suggesting that a trilateral approach and recognition of the legal and societal context could enable an enduring settlement. The author marries theories from international relations, constitutional law, and public international law in the context of modern literature on sovereignty and nationalism, applying these theories to the case-study of Gibraltar with emphasis on constitutionalism in its international and EU context to produce a ground-breaking addition to the literature on stateless nationalism, late sovereignty, and constitutional pluralism. As such, it also complements recent studies of sub-state societies, regions or nations within Europe and elsewhere, including Catalunya, the Basque Country, Scotland and Wales, and, in the broader Commonwealth context, other British overseas territories.

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